

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7634

Investigation into Compliance of Comcast of)
Connecticut/Georgia/Massachusetts/New)
Hampshire/New York/North Carolina/)
Virginia/Vermont, LLC with Requirements of)
Underground Utility Damage Prevention Program)

Order entered: 9/14/2011

CLOSING ORDER

I. BACKGROUND

On multiple dates between July 31, 2008, and March 8, 2010, the Vermont Department of Public Service ("Department") filed with the Public Service Board ("Board") twenty four (24) Notices of Probable Violation of Underground Utility Damage Prevention System Pursuant to V.P.S.B. Rule 3.807 ("Notices").¹ The Notices alleged that on multiple dates between July 2, 2008, and November 4, 2009, Comcast of Connecticut/Georgia/Massachusetts/ New Hampshire/New York/North Carolina/ Virginia/Vermont, LLC ("Comcast") violated the provisions of 30 V.S.A. § 7006b.

On July 13, 2010, the Board opened an investigation and scheduled a Prehearing Conference for July 28, 2010.²

On July 28, 2010, a Prehearing Conference was held before the Board. On August 27, 2010, the Board issued an Order requiring Comcast to file a verified statement regarding Comcast's Dig Safe program compliance.

1. Letter dated October 25, 2010, to the Board from Comcast counsel Shems Dunkiel Raubvogel & Saunders ("Comcast Letter"), at Exhibit B.

2. Order Opening Investigation and Notice of Prehearing Conference issued 7/13/10.

On October 25, 2010, Comcast filed a verified statement regarding Comcast's Dig Safe program compliance, and two affidavits explaining specifics of the violation occurrences and setting forth measures that Comcast had implemented, and additional measures that it committed to implement, to promote its compliance with its Dig Safe obligations. Those measures included completing a GIS mapping system to document its plant infrastructure, more effective internal and external Dig Safe-related communications through the establishment of a Vermont Utility Coordinator within Comcast, participation in the Managing Underground Safety Training organization in Vermont, more comprehensive Dig Safe training for Comcast staff, and more proactive oversight of Comcast's contractor that processes Dig Safe notices and locates and marks underground facilities.

On November 19, 2010, the Department filed with the Board a Stipulation between Comcast and the Department.³ The Stipulation specifically notes that Comcast has created the position of Vermont Utility Coordinator to serve as a liaison between Comcast and the Department concerning the Dig Safe program. Further, Comcast has updated its internal document, "Damage Prevention Procedures for Underground Facilities Within the State of Vermont" manual ("Manual"). The manual has a risk-management training program, and Comcast commits to continually review its Manual. In the Stipulation, Comcast and the Department request that the Board close its investigation in this docket without conducting any further proceedings, and without imposing any additional fines or penalties, or modifying Comcast's Certificate of Public Good.

II. CONCLUSION

The Board takes most seriously the obligation of all Vermont utilities to comply fully with Dig Safe requirements, including the requirement to mark the locations of their underground facilities when notified of upcoming excavation activities in the vicinity of those facilities. We opened this investigation in response to a troubling number of incidents in which Comcast had not marked its facilities after receiving Dig Safe notifications. We are encouraged that Comcast

3. The Stipulation is included as Attachment 1 to this Order.

appears to acknowledge and understand its Dig Safe obligations, has identified shortcomings in its Dig Safe procedures, and has committed to implement measures to address those deficiencies. Therefore, the Board accepts the Stipulation and the parties' recommendations therein, and this Docket shall be closed.

In accepting the Stipulation, we require Comcast to abide by the representations and commitments it has made in this docket. If Comcast fails to do so, it will face possible penalties under 30 V.S.A. § 30 as well as under 30 V.S.A. § 7008.

III. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board ("Board") of the State of Vermont that:

1. The Board accepts the Stipulation filed by the Department of Public Service on November 19, 2010, resolving all issues in this Docket.
2. This Docket shall be closed.

Dated at Montpelier, Vermont, this 14th day of September, 2011.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: September 14, 2011

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.